

FILED
DISTRICT COURT OF GUAM

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF GUAM

JAN 23 2007 *hba*

MARY L.M. MORAN
CLERK OF COURT

UNITED STATES OF AMERICA)	CRIMINAL CASE NO. 06-00110-001
Plaintiff,)	
)	
vs.)	INFORMATIONAL REPORT
)	
RAFEL NESBITT)	
Defendant.)	
)	

On December 14, 2006, Rafel Nesbitt made an initial appearance before Magistrate Judge Joaquin V. E. Manibusan Jr. on a Information charging him with Count I: Theft of Government Property, in violation of 18 U.S.C. § 641, and Count II and III: Entering Military, Naval, or Coast Guard Property, in violation of 18 U.S.C. § 1382. Mr. Nesbitt was granted pretrial release with conditions. He is alleged to have committed the following in violation of 18 U.S.C. § 3142:

Mandatory condition: *The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.*

On December 15, 2006, the defendant was arrested for the offense of Criminal Mischief and Disorderly Conduct. Guam Police Department Police Report number 06-32979 outlined the offense as follows:

On December 15, 2006, Rafel Nesbitt used the phone of his relative and neighbor, James Finona. After completing his call, he exited the residence in a rush and yelled at Mr. Finona asking him, “Do you want a piece of me? You wanna fight?” Outside the residence, the defendant went to a vehicle owned by Lawrence Finona and damaged the car by kicking the sides and punching the hood.

Guam Police Department Officer Raymond Charfauros assessed the damaged property and observed numerous dents on the passenger and drivers side with muddy prints in the center of the dents. Officer Charfauros estimated that there was \$2000 in damages.

Officer A.S. Bueno asked the defendant what happened and he indicated that “They are always getting into my shit.” They are always getting into my business, harassing me, and telling me I’m no good.”

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Mr. Nesbitt was transported to Dededo Precinct and later transported Hagatna Precinct Command where he was booked and released.

Mr. Nesbitt had submitted to a mental health assessment and the recommendation has been made that he follow up with the Department of Mental Health and Substance Abuse. The arrest behavior would be addressed with treatment. He has been informed of the treatment recommendation and has agreed to follow them.

Special condition: *Submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweatpatch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing for anabolic steroids.*

Rafel Nesbitt failed to report for substance abuse testing on December 19 and 22, 2006. He was counseled and provided a bus pass to assist with transportation.

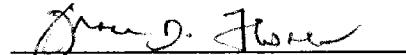
Supervision Compliance: This Officer has no information that suggests that the defendant is not in compliance with other conditions of pretrial release.

Recommendation: This report is informational in nature it is respectfully requested that no action be taken.

Respectfully submitted,

FRANK MICHAEL CRUZ
Chief U.S. Probation Officer

By:


GRACE D. FLORES
U.S. Probation Officer

Reviewed by:


ROSSANNA VILLAGOMEZ-AGUON
U.S. Probation Officer
Supervision Unit Leader

cc: Kristin St. Peter, SAUSA
Mark Smith, Defense Attorney
File